From: Rico Alderette <rico@alderettedesigns.com>
Sent: Tuesday, April 20, 2021 2:31 PM
To: Watson, Scott <SWatson@riversideca.gov>
Subject: [External] ATTN: Cultural Heritage Board

MR. Watson,

Representing MADE Shop and Alderette Designs, we are in support of this development. Greens Overland has brought this Marriott project forward that captures Art and Hospitality perfectly and will elevate and define the presence of the arts in the downtown historic core. These developers have already shown a strong sense of community and art and most recently commissioned the Citrus Swing at the Hampton Inn, Riverside's first public interactive art installation in the City. It took 3 artists and an app writer all working together to bring this art piece together and Greens was fully committed to doing this for the community.

Downtown cores are a mashup of all different uses and styles, and this building will greatly enhance the skyline, and bring another great example of modern architecture and art into the downtown core.

Respectfully Submitted,

Rico A . Alderette

Alderette Designs, Inc.

Design & Fabrication

Cell: 951.505.9190
Email: Rico@Alderettedesigns.com
Web: Alderette Desings
Instagram: Alderette_Designs

From: Ian Davidson <idavidson@idlainc.com>
Sent: Wednesday, April 21, 2021 8:08 AM
To: Norton, Brian <BNorton@riversideca.gov>
Subject: [External] FW: Marriott AC/RI Request - CHB Advocacy

Dear Mr. Norton,

As a Downtown Riverside resident, business and property owner and as a past member of the Cultural Heritage Board, I am writing this email on support of the adaptive reuse of the Fire Station #1 and proposed adjacent hotel. I feel that this is a creative solution for the reuse the fire station site that will add value to the downtown by preserving and repurposing an iconic structure and creating high-end hospitality opportunities.

As in all great Cities the old coexists with the new to create and interesting and diverse urban fabric.

Thank you,

Ian Davidson
4495 5th Street
Riverside, CA 92501

April 20, 2021

Steve Lech	Ward 1 - CHB Chair
John Brown	Ward 1 - At Large Representative
Re:	Marriott AC – Residence Inn Hotel Project Item #5 April 21 Agenda
	Letter of support

Chair Lech , members of the Cultural Heritage Board and staff. I am writing to you as a Ward 1 resident to give my support for the Marriott AC-Residence Inn project request for a Certificate of Appropriateness requested by the locally owned, Riverside developer, Overland Development Company.

This project has been reviewed and approved by the Planning Commission, downtown businesses, local community, and business organizations. It is also no stranger to past review by the Cultural Heritage Board. This project is a win -win for Downtown Riverside.

In my previous employment, I was the general manager for the Marriott Riverside at the Convention Center for 8 years. There is a strong need for hotel rooms in the downtown core to attract large corporate and association business. Riverside with a historic and walkable downtown is an attractive option for meeting planners IF there are sufficient hotel rooms for their organization close to the Riverside Convention Center. TOT (transient occupancy tax) revenues is the tip of the iceberg for its economic impact, estimate to be about $1 to 2M annually. For every TOT dollar, convention guests spend ,on average, $26/day in the local economy. Having TWO additional Marriott brands in the downtown is not taking away business from the existing Marriott Hotel and the nearby Courtyard by Marriott. It enhances the attraction of Riverside by creating upscale and extended stay options for the very loyal Marriott business, leisure, and convention customer.

I am not speaking for the local neighborhood organizations, DANA downtown area neighborhood alliance and ORF old riverside foundation, but this project was presented to these organizations over three years ago. Comments received were listened to and incorporated into their project design. Blending the new with the Mission Inn Historic District was a neighborhood priority. This project meets that threshold and in general is supported by the members of these organizations.

I make these comments to provide background on the vetting of this project, its design, and inclusion in the Mission Inn Historic District. The key to any good project is the team behind it willing to listen and design a project that meets the social, environmental, and economic interests of Riverside.

Overland Development Company, a local Riverside Company, and their team, have met these criteria. This Downtown historic district began with a commercial hotel. This addition is in keeping with our historic roots.

I ask for your support in granting the Certificate of Appropriateness requested for this project.

Thank you, Chair Lech, and all the members of the Cultural Heritage Board for your time and commitment to serve the residents of Riverside as members of this City board.

Tom Donahue | Ward 1 resident
951.203.2316

CC: Scott Watson Brian Norton City Clerk

To: Riverside Cultural Heritage Board
From: Board of Trustees of the First Congregational Church of Riverside
Subject: Planning Case P19-0563 Dual Brand Marriott, 3466 Mission Inn Ave.

We find the proposed hotel project deficient on several grounds.

First- City Staff submit that the project does not require CEQA review yet CEQA does recognize the status of historical structures and has specific language to that effect (see attached, Association of Environmental Professionals 2021 CEQA Statute and Guidelines 15064.5 and also 15131). First Congregation Church was listed on the National Register of Historic Places by the State Historical Resources Board in 1997. The project is also adjacent to the historic 1909 YMCA building. We would remind the Board that First Congregational was the first known structure to be built in California in the Spanish Baroque style and has been the object of interest of many citizens and visitors for over 106 years. The fact that applicants intend to excavate a parking facility within a few feet of two iconic and aging Riverside buildings seem sufficient reason alone for CEQA review. The Class 32 Infill Streamlining Checklist and Noise and Vibration Study prepared for this project include some important requirements, none of which are included or included by reference in the project conditions of approval. Specifically, section 4 b "noise" of the checklist addresses vibration and mentions specific requirements including non-impact pile driving equipment such as drilling be used to minimize vibration,.

Second-The project proposes an eight-story height (93') with a variance to reduce the setback along Mission Inn from 15 feet to one foot. that will obscure our unique 115-foot tall Churrigueresque style bell tower. This will have the effect of diminishing the esthetic and historical impact of this structure that is an essential and widely used symbol of the city. It also ignores the historic streetscape setbacks established over 100 years ago along this important Mission Inn Historic District corridor.

Third- The proposal submitted to the city cites its historical relevance to the historic downtown district with their references to the old fire station, former library and the Stalder building. It is fair to say the Library and the fire station are historical but it is not correct that they reflect the style of the district which is exemplified by the Mission Inn, the old City Hall, First Congregational Church, the Municipal Auditorium, the Fox Theater, the Art Museum, City Museum, the Unitarian Church and the Adventist church and others. The Stalder project, unlike the proposed hotel, retained a façade typical of the buildings just noted. The proposed hotel only reflects the mid-century style of the old library and fire station. The style of proposed architecture is not in keeping with the general 'context' of the historical nature of the downtown area. The current design shows a contemporary style but it is not a contributing addition to the area, rather, it creates a visual conflict. Frank Miller's inspired Mission Inn has become an iconic destination point that one can argue actually saved the downtown area by creating a sense of community and place and a source of pride and the 1914 Frank Miller inspired Congregational Church enhances and supports that effect. With that in mind, a new hotel could be a nice addition, but it should also be more sympathetic and continue the 'theme' that makes that whole downtown area so magical. Such an effort would be a good architectural

choice and very likely be a better long-term investment. The ultimate effect, therefore, of the construction of this typically modern hotel on the esthetic and charm of our district will be largely negative.

Fourth-. Not only are we surprised that little if any effort was made to consult with us, surrounding property owners, or historic organizations prior to the Planning Commission or CHB hearings, contrary to statements made to the Press on 4-16-21, but we are also concerned that normal approval processes have been avoided. It is not clear to us why the Planning Commission approval preceded the Cultural Heritage Board review and it is not clear why the city is being so secretive about this project.

In conclusion, First Congregational Church would like the Cultural Heritage Board to do the following:

1. Require the 15 foot set back along Mission Inn Avenue (as opposed to the one foot setback proposed), in order to preserve sightlines along Mission Inn Avenue, to preserve the setback pattern of the historic district, and to in at least a minimum way reduce the impact of the presence of this large building on the National Register and iconic First Congregational Church.

2. To include by reference in the COA all recommendations from the Class 32 Infill Streamlining Checklist, Noise and Vibration Analysis, and Historic Resource Evaluation Assessment Report, and all other studies.

3. To include a condition of approval in the COA that states that all historic buildings on and around this project site be preserved and protected during construction and that any damage resulting from construction will be repaired at the developer's expense and to Secretary of the Interior standards.

References:

Excerpted from *2021 CEQA California Environmental Quality Act Statute and Guidelines*

15064.5. DETERMINING THE SIGNIFICANCE OF IMPACTS TO ARCHAEOLOGICAL AND HISTORICAL RESOURCES

(a) For purposes of this section, the term "historical resources" shall include the following:

(1) A resource listed in, or determined to be eligible by the State Historical Resources Commission, for listing in the California Register of Historical Resources (Pub. Res. Code § 5024.1, Title 14 CCR, Section 4850 et seq.).

(2) A resource included in a local register of historical resources, as defined in section 5020.1(k) of the Public Resources Code or identified as significant in an historical resource survey meeting the requirements section 5024.1(g) of the Public Resources Code, shall be presumed to be historically or culturally significant. Public agencies must treat any such resource as significant unless the preponderance of evidence demonstrates that it is not historically or culturally significant.

(3) Any object, building, structure, site, area, place, record, or manuscript which a lead agency determines to be historically significant or significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California may be considered to be an historical resource, provided the lead agency's determination is supported by substantial evidence in light of the whole record. Generally, a resource shall be considered by the lead agency to be "historically significant" if the resource meets the criteria for listing on the California Register of Historical Resources (Pub. Res. Code § 5024.1, Title 14 CCR, Section 4852) including the following:

(A) Is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage;

(B) Is associated with the lives of persons important in our past;

(C) Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values; or

(D) Has yielded, or may be likely to yield, information important in prehistory or history.

(4) The fact that a resource is not listed in, or determined to be eligible for listing in the California Register of Historical Resources, not included in a local register of historical resources (pursuant to section 5020.1(k) of the Public Resources Code), or identified in an historical resources survey (meeting the criteria in section 5024.1(g) of the Public

Resources Code) does not preclude a lead agency from determining that the resource may be an historical resource as defined in Public Resources Code sections 5020.1(j) or 5024.1.

(b) A project with an effect that may cause a substantial adverse change in the significance of an historical resource is a project that may have a significant effect on the environment.

(1) Substantial adverse change in the significance of an historical resource means physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of an historical resource would be materially impaired.

(2) The significance of an historical resource is materially impaired when a project:

(A) Demolishes or materially alters in an adverse manner those physical characteristics of an historical resource that convey its historical significance and that justify its inclusion in, or eligibility for, inclusion in the California Register of Historical Resources; or

(B) Demolishes or materially alters in an adverse manner those physical characteristics that account for its inclusion in a local register of historical resources pursuant to section 5020.1(k) of the Public Resources Code or its identification in an historical resources survey meeting the requirements of section 5024.1(g) of the Public Resources Code, unless the public agency reviewing the effects of the project establishes by a preponderance of evidence that the resource is not historically or culturally significant; or

(C) Demolishes or materially alters in an adverse manner those physical characteristics of a historical resource that convey its historical significance and that justify its eligibility for inclusion in the California Register of Historical Resources as determined by a lead agency for purposes of CEQA.

(3) Generally, a project that follows the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings or the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings (1995), Weeks and Grimmer, shall be considered as mitigated to a level of less than a significant impact on the historical resource.

(4) A lead agency shall identify potentially feasible measures to mitigate significant adverse changes in the significance of an historical resource. The lead agency shall ensure that any adopted measures to mitigate or avoid significant adverse changes are fully enforceable through permit conditions, agreements, or other measures.

(5) When a project will affect state-owned historical resources, as described in Public Resources Code Section 5024, and the lead agency is a state agency, the lead agency shall consult with the State Historic Preservation Officer as provided in Public Resources Code Section 5024.5. Consultation should be coordinated in a timely fashion with the preparation of environmental documents.

(c) CEQA applies to effects on archaeological sites.

(1) When a project will impact an archaeological site, a lead agency shall first determine whether the site is an historical resource, as defined in subdivision (a).

(2) If a lead agency determines that the archaeological site is an historical resource, it shall refer to the provisions of Section 21084.1 of the Public Resources Code, and this section, Section 15126.4 of the Guidelines, and the limits contained in Section 21083.2 of the Public Resources Code do not apply.

(3) If an archaeological site does not meet the criteria defined in subdivision (a), but does meet the definition of a unique archeological resource in Section 21083.2 of the Public Resources Code, the site shall be treated in accordance with the provisions of section 21083.2. The time and cost limitations described in Public Resources Code Section 21083.2 (c–f) do not apply to surveys and site evaluation activities intended to determine whether the project location contains unique archaeological resources.

(4) If an archaeological resource is neither a unique archaeological nor an historical resource, the effects of the project on those resources shall not be considered a significant effect on the environment. It shall be sufficient that both the resource and the effect on it are noted in the Initial Study or EIR, if one is prepared to address impacts on other resources, but they need not be considered further in the CEQA process.

(d) When an initial study identifies the existence of, or the probable likelihood, of Native American human remains within the project, a lead agency shall work with the appropriate Native Americans as identified by the Native American Heritage Commission as provided in Public Resources Code Section 5097.98. The applicant may develop an agreement for treating or disposing of, with appropriate dignity, the human remains and any items associated with Native American burials with the appropriate Native Americans as identified by the Native American Heritage Commission. Action implementing such an agreement is exempt from:

(1) The general prohibition on disinterring, disturbing, or removing human remains from any location other than a dedicated cemetery (Health and Safety Code Section 7050.5).

(2) The requirements of CEQA and the Coastal Act.

(e) In the event of the accidental discovery or recognition of any human remains in any location other than a dedicated cemetery, the following steps should be taken:

(1) There shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until:

(A) The coroner of the county in which the remains are discovered must be contacted to determine that no investigation of the cause of death is required, and

(B) If the coroner determines the remains to be Native American:

1. The coroner shall contact the Native American Heritage Commission within 24 hours.

2. The Native American Heritage Commission shall identify the person or persons it believes to be the most likely descended from the deceased Native American.

3. The most likely descendent may make recommendations to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in Public Resources Code Section 5097.98, or

(2) Where the following conditions occur, the landowner or his authorized representative shall rebury the Native American human remains and associated grave goods with appropriate dignity on the property in a location not subject to further subsurface disturbance.

(A) The Native American Heritage Commission is unable to identify a most likely descendent or the most likely descendent failed to make a recommendation within 24 hours after being notified by the commission.

(B) The descendant identified fails to make a recommendation; or

(C) The landowner or his authorized representative rejects the recommendation of the descendant, and the mediation by the Native American Heritage Commission fails to provide measures acceptable to the landowner.

(f) As part of the objectives, criteria, and procedures required by Section 21082 of the Public Resources Code, a lead agency should make provisions for historical or unique archaeological resources accidentally discovered during construction. These provisions should include an immediate evaluation of the find by a qualified archaeologist. If the find is determined to be an historical or unique archaeological resource, contingency funding and a time allotment sufficient to allow for implementation of avoidance measures or appropriate mitigation should be available. Work could continue on other parts of the building site while historical or unique archaeological resource mitigation takes place.

Note: Authority: Section 21083, Public Resources Code. Reference: Sections 21083.2, 21084, and 21084.1, Public Resources Code; *Citizens for Responsible Development in West Hollywood v. City of West Hollywood* (1995) 39 Cal.App.4th 490.

15131. ECONOMIC AND SOCIAL EFFECTS

Economic or social information may be included in an EIR or may be presented in whatever form the agency desires.

(a) Economic or social effects of a project shall not be treated as significant effects on the environment. An EIR may trace a chain of cause and effect from a proposed decision on a project through anticipated economic or social changes resulting from the project to physical changes caused in turn by the economic or social changes. The intermediate economic or social changes need not be analyzed in any detail greater than necessary to trace the chain of cause and effect. The focus of the analysis shall be on the physical changes.

(b) Economic or social effects of a project may be used to determine the significance of physical changes caused by the project. For example, if the construction of a new freeway or rail line divides an existing community, the construction would be the physical change, but the social effect on the community would be the basis for determining that the effect would be significant. As an additional example, if the construction of a road and the resulting increase in noise in an area disturbed existing religious practices in the area, the disturbance of the religious practices could be used to determine that the construction and use of the road and the resulting noise would be significant effects on the environment. The religious practices would need to be analyzed only to the extent to show that the increase in traffic and noise would conflict with the religious practices. Where an EIR uses economic or social effects to determine that a physical change is significant, the EIR shall explain the reason for determining that the effect is significant.

(c) Economic, social, and particularly housing factors shall be considered by public agencies together with technological and environmental factors in deciding whether changes in a project are feasible to reduce or avoid the significant effects on the environment identified in the EIR. If information on these factors is not contained in the EIR, the information must be added to the record in some other manner to allow the agency to consider the factors in reaching a decision on the project.

Note: Authority cited: Section 21083, Public Resources Code; Reference: Sections 21001(e) and (g), 21002, 21002.1, 21060.5, 21080.1, 21083(c), and 21100, Public Resources Code.

Dear Ms. Edwards, Mr. Fierro, Mr. Brown and Mr. Lech,

My husband, Tim Kelley, and I are members of Ward 3 and First Congregational Church (FCC). We are concerned about the effect of this proposed hotel on the historic and architecturally-significant FCC and the Mission Inn Historic District. FCC, which is an iconic structure on the National Register of Historic Places, should have been involved in the planning for the hotel. Furthermore, the architectural style of the hotel is not compatible with the church or the Mission Inn Historic District.

Additionally, the severe environmental impact on traffic, parking, and pedestrians on one-way Lemon Street, the Unitarian Church, the Municipal Auditorium, the new Cheech art museum, the Life Arts building, RAM, and other nearby buildings and businesses has not been adequately evaluated. We urge the Cultural Heritage Board to remand this project to the Planning Commission for further consideration with appropriate consultation by affected citizens and entities.

Vicki Broach and Tim Kelley
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BY E-MAIL

April 20, 2021

Cultural Heritage Board
City of Riverside
3900 Main Street
Riverside, CA 92522
fandrade@riversideca.gov

Scott Watson, Historic Preservation Officer
City of Riverside
3900 Main Street
Riverside, CA 92522
swatson@riversideca.gov

Re: AC Marriott Hotel, 3420-3482 Mission Inn Avenue
Planning Case P19-0563 (COA); Agenda Item 5, April 21, 2021
Objection to CEQA Exemption

Honorable Members of the Riverside Cultural Heritage Board and Mr. Watson:

I am writing on behalf of the Supporters Alliance for Environmental Responsibility ("SAFER") to request environmental review under the California Environmental Quality Act ("CEQA") for the proposed AC Marriott and Residence Inn ("Marriott") hotel proposed to be constructed at 3420-3482 Mission Inn Avenue (APNs 213281006; 213281007; 213281009) ("Project"). As discussed below, the City's proposed CEQA Infill Exemption is legally improper and CEQA review is required. As such, SAFER requests that the Board refrain from approving the Certificate of Appropriateness until full CEQA review has been conducted.

I. PROJECT DESCRIPTION

The developer proposes to construct a 226-room, 93-foot tall dual branded Marriott Hotel in the City's Mission Inn Historic District. The Project requires a conditional use permit and two variances. The Project's height of 93 feet vastly exceeds the 60-foot height limit. The Project's floor area ratio of 3.73 exceeds the applicable 3.0 FAR. The Project requires a variance to encroach 14 feet into the required 15-foot front setback along Mission Inn Avenue. A second variance is required to allow 144 parking spaces, which is far less than the 226 parking spaces required by the Code.

The City is proposing to exempt the Project entirely from all CEQA review pursuant to the CEQA Infill Exemption, CEQA Guidelines section 15332.

II. CEQA

A. Legal Standards.

1. CEQA Structure.

CEQA mandates that "the long-term protection of the environment . . . shall be the guiding criterion in public decisions" throughout California. PRC § 21001(d). A "project" is "the whole of an action" directly undertaken, supported, or authorized by a public agency "which may cause either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment." PRC § 21065; CEQA Guidelines, 14 CCR § 15378(a). For this reason, CEQA is concerned with an action's ultimate "impact on the environment." *Bozung v. LAFCO* (1975) 13 Cal.3d 263, 283. CEQA requires environmental factors to be considered at the "earliest possible stage . . . before [the project] gains irreversible momentum," Id. 13 Cal.3d at 277, "at a point in the planning process where genuine flexibility remains." *Sundstrom v. Mendocino County* (1988) 202 Cal.App.3d 296, 307.

To achieve its objectives of environmental protection, CEQA has a three-tiered structure. 14 CCR § 15002(k); *Committee to Save the Hollywoodland Specific Plan v. City of Los Angeles* (2008) 161 Cal.App.4th 1168, 1185-86 *("Hollywoodland")*. First, if a project falls into an exempt category, or it can be seen with certainty that the activity in question will not have a significant effect on the environment, no further agency evaluation is required. *Id*. Second, if there is a possibility the project will have a significant effect on the environment, the agency must perform an initial threshold study. *Id*.; 14 CCR § 15063(a). If the study indicates that there is no substantial evidence that the project or any of its aspects may cause a significant effect on the environment the agency may issue a negative declaration. *Id*., 14 CCR §§ 15063(b)(2), 15070. Finally, if the project will have a significant effect on the environment, an environmental impact report ("EIR") is required. *Id*. Here, since the City exempted the Project from CEQA entirely, we are at the first step of the CEQA process.

2. CEQA Exemptions.

CEQA identifies certain classes of projects which are exempt from the provisions of CEQA. These are called categorical exemptions. 14 CCR §§ 15300, 15354. "Exemptions to CEQA are narrowly construed and "'[e]xemption categories are not to be expanded beyond the reasonable scope of their statutory language.'" *Mountain Lion Foundation v. Fish & Game Com*. (1997) 16 Cal.4th 105, 125.

The determination as to the appropriate scope of a categorical exemption is a question of law subject to independent, or de novo, review. *San Lorenzo Valley Community Advocates for Responsible Education v. San Lorenzo Valley Unified School Dist*., (2006) 139 Cal. App. 4th 1356, 1375 ("[Q]uestions of interpretation or application of the requirements of CEQA are matters of law. (Citations.) Thus, for example, interpreting the scope of a CEQA exemption presents 'a question of law, subject to de novo review by this court.' (Citations)."

The City asserts the Project is categorically exempt from the requirements of CEQA as an "in-fill" project (Class 32).

3. Exceptions to CEQA Exemptions.

a. Exceptions in the Infill Exemption.

The Class 32 In-Fill exemption can only be applied when (a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations… and (d) approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality. 14 Cal. Code Regs. 15332.

b. Projects with Significant Impacts.

No project may be exempted from CEQA review if:

(1) Significant Effects. A project may never be exempted from CEQA if there is a "fair argument" that the project may have significant environmental impacts due to "unusual circumstances." 14 CCR §15300.2(c). The Supreme Court has held that since the agency may only exempt activities that do not have a significant effect on the environment, a fair argument that a project will have significant effects precludes an exemption. *Wildlife Alive v. Chickering* (1976) 18 Cal.3d 190, 204. (14 CCR § 15300.2)

CEQA and its regulations provide that certain projects may be exempt. However, *"[a]n activity that may have a significant effect on the environment cannot be categorically exempt*." *Salmon Protectors v. County of Marin* (2004) 125 Cal.App.4th 1098, 1107*; Azusa Land Reclamation v. Main San Gabriel Basin* (1997) 52 Cal.App.4th 1165, 1191, 1202. CEQA's unique "fair argument" standard applies when reviewing a CEQA exemption. Under the "fair argument" standard, an agency is precluded from relying on a categorical exemption when there is a fair argument that a project will have a significant effect on the environment. *Banker's Hill, Hillcrest, Park West Community Preservation Group v. City of San Diego* ("*Bankers Hill*") (2006) 139 Cal. App. 4th 249, 266. In other words, "where there is any reasonable possibility that a project or activity may have a significant effect on the environment, an exemption would be improper." *Id*.; *Dunn-Edwards Corp*., 9 Cal.App.4th at 654-655.

c. Historic Resources

CEQA Section 21084(e) expressly prohibits reliance on a categorical exemption for "a project that may cause a substantial adverse change in the significance of an historical resource." PRC § 21084(e). For historical resources, a "Substantial adverse change in the significance of an historical resource means physical demolition, destruction, relocation, or alteration of the

resource or its immediate surroundings such that the significance of an historical resource would be materially impaired." *Hollywoodland*, 161 Cal.App.4th at 1187 (presence of historic wall was unusual circumstance precluding CEQA exemption); *Orinda Association v. Board*, 182 Cal.App.3d 1145 (1986) (demolition of building eligible for listing on historic registry triggers CEQA review and precludes exemption. Cannot piecemeal demolition for rest of project).

B. Analysis.

1. The Project Fails to Comply with Applicable General Plan and Zoning Requirements. Therefore the CEQA Exemption is Improper.

The CEQA Infill exemption is only allowed if "The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations." 14 CCR 15332(a). The Marriott Project does not comply with the applicable zoning designation, and general plan polices. The proposed hotel would vastly exceed the 60-foot height limit. It will obliterate the required 15-foot front setback – extending 14 feet into the required setback area. It fails to provide the required parking. It exceeds the 3.0 floor area ratio allowed in the general plan area. As a result, the Project requires two variances and a conditional use permit.

Since the Project fails to comply with the applicable general plan and zoning designations, the CEQA Infill exemption is improper. A CEQA document is therefore required to analyze the Project and mitigate its impacts.

2. The Project Will Have Significant Air Quality Impacts Therefore the City May not Exempt the Project from CEQA Review.

The City may not rely on the CEQA Infill Exemption because the City cannot show that, "*[a]pproval of the project would not result in any significant effects relating to … air quality.*" 14 CCR § 15332(c), (d). Note that this exception to the exemption does not require "unusual circumstances."

Indoor air quality specialist, Francis "Bud" Offermann, P.E., concludes that the Project will have significant human health impacts due to indoor air contaminants. In particular, Mr. Offermann concludes that composite wood building materials are likely to create a cancer risk from formaldehyde off-gassing of 112 per million. This is eleven times above the South Coast Air Quality Management District's ("SCAQMD") CEQA significance threshold of ten per million. (Exhibit A).

Mr. Offermann explains that many composite wood products used in modern apartment home construction contain formaldehyde-based glues which off-gas formaldehyde over a very long time period. He states, "The primary source of formaldehyde indoors is composite wood products manufactured with urea-formaldehyde resins, such as plywood, medium density fiberboard, and particleboard. These materials are commonly used in building construction for

flooring, cabinetry, baseboards, window shades, interior doors, and window and door trims." Offermann, pp. 2-3.

Formaldehyde is a known human carcinogen. Mr. Offermann states that there is a fair argument that future residents of the Project will be exposed to a cancer risk from formaldehyde of approximately 112 per million, assuming all materials are compliant with the California Air Resources Board's formaldehyde airborne toxics control measure. *Id*., p. 3-4. This more than 11 times the South Coast Air Quality Management District's ("SCAQMD") CEQA significance threshold for airborne cancer risk of 10 per million. In addition, Mr. Offermann concludes that people working the commercial spaces of the Project will be exposed to an increased cancer risk from formaldehyde of 16.4 per million, which also exceeds the threshold of significance. *Id*. at 5. Mr. Offermann concludes that these significant environmental impacts must be analyzed in the EIR and mitigation measures should be imposed to reduce the risk of formaldehyde exposure. *Id*., p. 4-5.

Mr. Offermann identifies mitigation measures that are available to reduce these significant health risks, including the preferred mitigation measure that would require the applicant use only composite wood materials (e.g. hardwood plywood, medium density fiberboard, particleboard) for all interior finish systems that are made with CARB approved no-added formaldehyde (NAF) resins or ultra-low emitting formaldehyde (ULEF) resins in the buildings' interiors. *Id*. at 12-13. Proposed mitigation also includes the installation of air filters and outdoor air ventilation. *Id*.

The City has a duty to investigate issues relating to a project's potential environmental impacts, especially those issues raised by an expert's comments. *See Cty. Sanitation Dist. No. 2 v. Cty. of Kern*, (2005) 127 Cal.App.4th 1544, 1597–98 ("under CEQA, the lead agency bears a burden to investigate potential environmental impacts"). In addition to assessing the Project's potential health impacts to residents, Mr. Offermann identifies the investigatory path that the City should be following in developing an EIR to more precisely evaluate the Projects' future formaldehyde emissions and establishing mitigation measures that reduce the cancer risk below the SCAQMD level. *Id*., pp. 5-10. Such an analysis would be similar in form to the air quality modeling and traffic modeling typically conducted as part of a CEQA review.

The failure to address the project's formaldehyde emissions is contrary to the California Supreme Court's decision in *California Building Industry Ass'n v. Bay Area Air Quality Mgmt. Dist.* (2015) 62 Cal.4th 369, 386 ("*CBIA"*). At issue in *CBIA* was whether the Air District could enact CEQA guidelines that advised lead agencies that they must analyze the impacts of adjacent environmental conditions on a project. The Supreme Court held that CEQA does not generally require lead agencies to consider the environment's effects on a project. *CBIA*, 62 Cal.4th at 800-801. However, to the extent a project may exacerbate existing adverse environmental conditions at or near a project site, those would still have to be considered pursuant to CEQA. *Id*. at 801 ("CEQA calls upon an agency to evaluate existing conditions in order to assess whether a project could exacerbate hazards that are already present"). In so holding, the Court expressly held that CEQA's statutory language required lead agencies to disclose and analyze "impacts on ***a***

project's users or residents that arise ***from the project's effects*** on the environment." *Id*. at 800 (emphasis added).

The carcinogenic formaldehyde emissions identified by Mr. Offermann are not an existing environmental condition. Those emissions to the air will be from the Project. Residents and workers will be users of the Project. Currently, there is presumably little if any formaldehyde emissions at the site. Once the project is built, emissions will begin at levels that pose significant health risks. Rather than excusing the City from addressing the impacts of carcinogens emitted into the indoor air from the project, the Supreme Court in *CBIA* expressly finds that this type of effect by the project on the environment and a "project's users and residents" must be addressed in the CEQA process.

The Supreme Court's reasoning is well-grounded in CEQA's statutory language. CEQA expressly includes a project's effects on human beings as an effect on the environment that must be addressed in an environmental review. "Section 21083(b)(3)'s express language, for example, requires a finding of a 'significant effect on the environment' (§ 21083(b)) whenever the 'environmental effects of a project will cause substantial adverse effects *on human beings,* either directly or indirectly.'" *CBIA*, 62 Cal.4th at 800 (emphasis in original). Likewise, "the Legislature has made clear—in declarations accompanying CEQA's enactment—that public health and safety are of great importance in the statutory scheme." *Id*., citing e.g., §§ 21000, subds. (b), (c), (d), (g), 21001, subds. (b), (d). It goes without saying that the hundreds of future residents and employees of the Project are human beings and the health and safety of those individuals is as important to CEQA's safeguards as nearby residents currently living and working near the project site.

Mr. Offermann's expert comments constitute substantial evidence of a fair argument of a significant environmental impact to future users of the project, but this potentially significant impact is not analyzed in the EIR. A revised EIR must be prepared to disclose and mitigate those impacts.

3. The Project will have Significant Impacts Due to Inconsistencies with the General Plan and Zoning.

The Project is inconsistent with several provisions of the General Plan and Zoning Code. These inconsistencies are significant impacts pursuant to CEQA. As such the Project may not be exempted from CEQA review.

Where a local or regional policy of general applicability, such as an ordinance, is adopted in order to avoid or mitigate environmental effects, a conflict with that policy in itself indicates a potentially significant impact on the environment. (*Pocket Protectors v. Sacramento* (2005) 124 Cal.App.4th 903; *Kutzke v. City of San Diego* (2017) 11 Cal.5th 1034.) Indeed, any inconsistencies between a proposed project and applicable plans must be discussed in an EIR. (14 CCR § 15125(d); *City of Long Beach v. Los Angeles Unif. School Dist.* (2009) 176 Cal. App. 4th 889, 918; *Friends of the Eel River v. Sonoma County Water Agency* (2003) 108 Cal. App. 4th

859, 874 (EIR inadequate when Lead Agency failed to identify relationship of project to relevant local plans).) A Project's inconsistencies with local plans and policies constitute significant impacts under CEQA. *Endangered Habitats League, Inc. v. County of Orange* (2005) 131 Cal.App.4th 777, 783-4; see also, *County of El Dorado v. Dept. of Transp.* (2005) 133 Cal.App.4th 1376 (fact that a project may be consistent with a plan, such as an air plan, does not necessarily mean that it does not have significant impacts); *Californians for Alternatives to Toxics v. Department of Food and Agriculture* (2005) 136 Cal.App.4th 1, 17 ("[c]ompliance with the law is not enough to support a finding of no significant impact under the CEQA."). The recent decision in *Georgetown Preservation Society v. County of El Dorado* (2018) 30 Cal.App.5th 358 echoes *Pocket Protectors*. These both apply the fair argument standard to a potential inconsistency with a plan adopted for environmental protection. *Protect the Historic Amador Waterways v. Amador Water Agency* (2004) 116 Cal.App.4th 1099 says an EIR needs to analyze any topic for which a fair argument of significant impact is raised.

The Project is inconsistent with numerous provisions of the General Plan and Zoning, including provisions limiting height to 60 feet, requiring 15-foot front set-back, requiring adequate parking, limiting floor area ratio to 3.0, and other requirements. These are significant impacts under CEQA that must be analyzed and mitigated in a CEQA document.

4. The Project May Not Be Exempted from CEQA Because It May Adversely Affect Historic Resources.

CEQA Section 21084(e) expressly prohibits reliance on a categorical exemption for "a project that may cause a substantial adverse change in the significance of an historical resource." PRC § 21084(e). For historical resources, a "Substantial adverse change in the significance of an historical resource means physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of an historical resource would be materially impaired." *Hollywoodland*, 161 Cal.App.4th at 1187 (presence of historic wall was unusual circumstance precluding CEQA exemption); *Orinda Association,* 182 Cal.App.3d 1145 (demolition of building eligible for listing on historic registry triggers CEQA review and precludes exemption. Cannot piecemeal demolition for rest of project).

There is no dispute that the Project is located in the City's Mission Inn Historic District. The Project requires a conditional use permit and two variances. The Project's height of 93 feet exceeds the 60-foot height limit. The Project's floor area ratio of 3.73 exceeds the applicable 3.0 FAR. The Project requires a variance to encroach 14 feet into the required 15-foot front setback along Mission Inn Avenue. A second variance is required to allow 144 parking spaces, which is far less than the 226 parking spaces required by the Code. These height limits, setback requirements, and floor area ratio requirements are critical to maintaining the historic character of the Mission Inn Historic District. By failing to comply with these policies, the Project will adversely affect the Historic District. *Georgetown Pres. Soc'y v. Cty. of El Dorado*, 30 Cal. App. 5th 358, 365 (2018); *Kutzke v. City of San Diego* (2017) 11 Cal.5th 1034 (proposed project was incompatible with conserving the character of the existing neighborhood and therefore inconsistent with local community plan in violation of CEQA).

Since the Project may have an adverse impact on the Mission Inn Historic District, it may not be exempted from CEQA review. CEQA review is required to analyze the Project's significant historic impacts and to propose feasible mitigation measures and alternatives to reduce the Project's impacts to historic resources.

III. VARIANCES SHOULD NOT BE GRANTED.

The Project proponent seeks two variances for the Project to avoid compliance with the 15-foot front setback requirement the parking requirement. It appears that a variance would also be necessary for the project to exceed the floor area ratio and height limits, but it appears the developer is not seeking such variances. As discussed below, the Project fails to meet the criteria for a variance.

1. There are no exceptional or extraordinary circumstances applying to this property that do not apply generally to other properties or uses in the same class of district.

There are no exceptional or extraordinary circumstances that preclude the Project from providing the required amount of parking or the required setback. The parking will be provided underground. It would be feasible to simply dig an additional level of underground parking. The Applicant's variance justification does not even argue that it is infeasible to provide the required parking. It merely argues that the required level of parking is unnecessary. This argument does not even attempt to meet the legal criteria required for a variance.

Similarly, there is no reason that the Project cannot comply with the 15-foot setback requirement. There is ample space on the property and other buildings in the district have complied with the requirement. There are no unusual circumstances that would preclude compliance.

Caselaw supports this point. In the case of *Broadway Laguna Vallejo v. San Fran. Bd. of Permit Appeals*, a project applicant claimed it needed a variance based on extraordinary and exceptional circumstances due to unusual subsoil conditions at the site and "attractive architectural futures" for the structure.[1] The project design incorporated "superior building standards" as a supporting fact.[2] The California Supreme Court was having none of it, and held that neither of the circumstances satisfied the Code for a variance.[3] The architectural limitations incorporated into the proposed structure did not support a finding of extraordinary conditions. Likewise, here there are no exception or unusual circumstances that would preclude compliance with the parking and setback requirements (or height and floor area ratio). To give special treatment here opens the City up to

[1] *Broadway, Laguna, Vallejo Assoc. v. Board of Appeals and City of San Francisco* (1967) 66 Cal.2d 767, 774.
[2] Id. at 777.
[3] Id. at 774

every property owner assuming they are entitled to assert exceptional circumstances justifying the grant of a variance because compliance with the code may be inconvenient.[4]

2. There are no exceptional or extraordinary circumstances, under which the literal enforcement of the Code would result in practical difficulty or unnecessary hardship not created by or attributable to the applicant or the owner of the property.

There are no exception or extraordinary circumstances that would cause under which literal enforcement of the code would create unnecessary hardship. Requiring the Applicant to comply with setback, parking (height and floor area ratio) requirements would create no unnecessary hardship. There is nothing unique about the Project or the property that would preclude compliance with the code requirements. There is no evidence that compliance with parking or setback requirements would be physically impossible or even difficult.

The law on practical difficulty/unnecessary hardship is well settled.[5] First, courts have been clear that unnecessary hardship occurs when the natural condition or topography of the land places the landowner at a disadvantage vis-à-vis other landowners in the area, such as peculiarities of the size, shape or grade of the parcel.[6] Put differently, the project sponsor must suffer from some "external circumstance, but not self-induced-hardship."[7] **"One who purchases property in anticipation of procuring a variance to enable him to use it for a purpose forbidden at the time of sale cannot complain of hardship ensuing from a denial of the desired variance."** (*Id*.) "If singular and related topographical features are lacking, [the Board] may not find the circumstances which plague the applicant are different from those which affect the land of his neighbors."[8] In addition, courts do not focus on the prejudicial difference between one's property and the neighbor's to justify a finding of hardship; rather the disadvantage must be substantial.[9]

One example of substantial hardship supporting a variance was the need of a landowner to build special fencing absent the required three-foot setback because the subject property was 15 feet below street level.[10] The record showed that enforcement of the code would have created a safety hazard. (*Id*.) Neighboring parcels were not subject to this particular topographical feature. Conversely, a court found no hardship when a landowner wanted to continue using a parcel zoned

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[4] *Cow Hollow v. DiBene* (1966) 245 Cal.App.2d 160, 176 (all property owners suffered the same circumstances alleged by this owner so City erred in finding exceptional circumstances).
[5] Courts combine "practical difficulty or unnecessary hardship" as a single standard. See *Zakessian v. City of Sausalito*, 28 Cal.App.3d 794 (1972) ("Of these two terms, "the essential requirement is "unnecessary hardship."); *Walnut Acres Neighborhood Assoc. v. City of Los Angeles* (2015) Cal.App.4th 1303.
[6] *Hollywoodland*, 61 Cal.App.4th at 1183; *Zakessian* 28 Cal.App.3d at 800.
[7] *City of San Marino v. Roman Catholic Archbishop of Los Angeles* (2008) 180 Cal.App.2d 657, 673.
[8] *Zakessian,* 28 Cal.App.3d at 800.
[9] Id. at 801.
[10] *Committee to Save Hollywoodland*, 161 Cal.App.4th at 1184.

R-1 as a parking lot for their neighboring rectory.[11] The property had long been used for parking in violation of the zoning code. The court held that continued use for parking would have benefited the owner, but the lot was purchased with "full knowledge of its restrictions, and furthermore, the expansion program undertaken by the defendants was promulgated in the face of those same restrictions."[12] While some hardship would occur, the owner's own expansion program was not enough to entitle them to a variance. Such self-induced hardship could not be a factor in support of a variance.[13]

Finally, there is a clear benefit to the public in maintaining open space in the Mission Inn Historic District, and providing adequate parking, hence the existence of this City-wide mandate in the first place. A City sanctioned policy to allow every property owner to over-build their lots, as is proposed here, is not consistent with the spirit of the General Plan's policy to keep the city livable. It is the City's duty to keep rampant density in check and respect the historic district's unique character – consistent with the Code.

As the foregoing shows, the Applicant cannot support the second prong of the variance test because any alleged hardship or practical difficulty is of the project sponsor's own making, and there is nothing distinct about the parcel.

3. The variance is not necessary for the preservation and enjoyment of a substantial property right, possessed by other property in the same class of district.

The Applicant does not even attempt to show that the variance is required to preserve a right possessed by other property owners in the same district. The Applicant fails to point to a single other property that has been allowed to violate the City's parking requirements or setback requirements. Therefor the Applicant simply cannot make this required showing.

The issue is whether a variance is *necessary* to bring the subject property into substantial parity with property within the zone and not a race to see who can build the largest building with the least amount of open space or parking. "Speculation about neighboring land will not support the award of a variance. The party seeking the variance must shoulder the burden of demonstrating before the zoning agency that the subject property satisfies the requirements." [14] The project sponsor has not shown that they are unable to use their property in the same way as others within the zone.

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[11] *City of San Marino,* 180 Cal.App.2d at 665.
[12] Id. at 672.
[13] Id. at 673.
[14] *Orinda Ass'n v. Bd. of Sup.,* (1986) 182 Cal.App.3d 1145, 1166.

4. The granting of the variance will be materially detrimental to the public welfare or materially injurious to the property or improvements in the vicinity.

The variance will be materially detrimental to the public welfare and materially injurious to property in the vicinity. The Project is proposed to be constructed in the Mission Inn Historic District. Requirements for adequate setback, height limits, parking and floor area ratio are critical to maintaining the historic qualities of the district and protecting nearby historic buildings from effects such as loss of light of air, shadow and excessive massing. By violating those requirements, the Project would be materially detrimental to the historic district and nearby buildings.

5. The granting of the variance will not be in harmony with the general purpose and intent of the Planning Code and will adversely affect the General Plan.

The variances will not be in harmony with the purpose and intent of the planning code and the general plan. The planning code contains requirements for setback, parking, height and floor area ratio for a reason. These requirements protect the historic nature of the Mission Inn Historic District, as well as the quality of life in the city.

In fact, the City is required to conduct a CEQA analysis for the proposed project because it is not eligible for an exemption. If a project may cause a substantial adverse change in the significance of a historical resource, that project **shall not be exempted** from CEQA review.[15] Once the property has been established as an historical resource under CEQA,[16] as is the case here, then the evaluation moves on to whether the proposed project would cause a "substantial adverse change" to the historical resource. CEQA defines a ″substantial adverse change″ as the physical demolition, destruction, relocation or alteration of the historical resource or its immediate surroundings such that the significance of the historical resource would be materially impaired. CEQA goes on to define ″materially impaired″ as work that materially alters, in an adverse manner, those physical characteristics that convey the resource's historical significance.[17]

The proposed variance would materially impair the features that make the district historically significant. The City is required to fully investigate and then disclose to the public whether there are feasible alternatives or mitigation measures that would not degrade the significance of this historical district.

IV. CONCLUSION

For the above reasons, the Board should refrain from issuing a COA for the Project until an EIR has been prepared and circulated for public review and comment in accordance with CEQA. Thank you for considering these comments.

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[15] CEQA § 21084.1.
[16] CEQA Guidelines Section 15064.5(a)(3).
[17] CEQA Guidelines 15064.5(b), Bulletin 16, p. 9.

Sincerely,

Brian B. Flynn
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EXHIBIT A

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Date: April 12, 2021

To: Richard Drury
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From: Francis J. Offermann PE CIH

Subject: Indoor Air Quality: AC Marriott – Residence Inn, Riverside, CA
(IEE File Reference: P-4441)

Pages: 19

Indoor Air Quality Impacts

Indoor air quality (IAQ) directly impacts the comfort and health of building occupants, and the achievement of acceptable IAQ in newly constructed and renovated buildings is a well-recognized design objective. For example, IAQ is addressed by major high-performance building rating systems and building codes (California Building Standards Commission, 2014; USGBC, 2014). Indoor air quality in homes is particularly important because occupants, on average, spend approximately ninety percent of their time indoors with the majority of this time spent at home (EPA, 2011). Some segments of the population that are most susceptible to the effects of poor IAQ, such as the very young and the elderly, occupy their homes almost continuously. Additionally, an increasing number of adults are working from home at least some of the time during the workweek. Indoor air quality also is a serious concern for workers in hotels, offices and other business establishments.

The concentrations of many air pollutants often are elevated in homes and other buildings relative to outdoor air because many of the materials and products used indoors contain

and release a variety of pollutants to air (Hodgson et al., 2002; Offermann and Hodgson, 2011). With respect to indoor air contaminants for which inhalation is the primary route of exposure, the critical design and construction parameters are the provision of adequate ventilation and the reduction of indoor sources of the contaminants.

Indoor Formaldehyde Concentrations Impact. In the California New Home Study (CNHS) of 108 new homes in California (Offermann, 2009), 25 air contaminants were measured, and formaldehyde was identified as the indoor air contaminant with the highest cancer risk as determined by the California Proposition 65 Safe Harbor Levels (OEHHA, 2017a), No Significant Risk Levels (NSRL) for carcinogens. The NSRL is the daily intake level calculated to result in one excess case of cancer in an exposed population of 100,000 (i.e., ten in one million cancer risk) and for formaldehyde is 40 µg/day. The NSRL concentration of formaldehyde that represents a daily dose of 40 µg is 2 µg/m^3, assuming a continuous 24-hour exposure, a total daily inhaled air volume of 20 m^3, and 100% absorption by the respiratory system. All of the CNHS homes exceeded this NSRL concentration of 2 µg/m^3. The median indoor formaldehyde concentration was 36 µg/m^3, and ranged from 4.8 to 136 µg/m^3, which corresponds to a median exceedance of the 2 µg/m^3 NSRL concentration of 18 and a range of 2.3 to 68.

Therefore, the cancer risk of a resident living in a California home with the median indoor formaldehyde concentration of 36 µg/m^3, is 180 per million as a result of formaldehyde alone. The CEQA significance threshold for airborne cancer risk is 10 per million, as established by the South Coast Air Quality Management District (SCAQMD, 2015).

Besides being a human carcinogen, formaldehyde is also a potent eye and respiratory irritant. In the CNHS, many homes exceeded the non-cancer reference exposure levels (RELs) prescribed by California Office of Environmental Health Hazard Assessment (OEHHA, 2017b). The percentage of homes exceeding the RELs ranged from 98% for the Chronic REL of 9 µg/m^3 to 28% for the Acute REL of 55 µg/m^3.

The primary source of formaldehyde indoors is composite wood products manufactured with urea-formaldehyde resins, such as plywood, medium density fiberboard, and

particleboard. These materials are commonly used in building construction for flooring, cabinetry, baseboards, window shades, interior doors, and window and door trims.

In January 2009, the California Air Resources Board (CARB) adopted an airborne toxics control measure (ATCM) to reduce formaldehyde emissions from composite wood products, including hardwood plywood, particleboard, medium density fiberboard, and also furniture and other finished products made with these wood products (California Air Resources Board 2009). While this formaldehyde ATCM has resulted in reduced emissions from composite wood products sold in California, they do not preclude that homes built with composite wood products meeting the CARB ATCM will have indoor formaldehyde concentrations below cancer and non-cancer exposure guidelines.

A follow up study to the California New Home Study (CNHS) was conducted in 2016-2018 (Singer et. al., 2019), and found that the median indoor formaldehyde in new homes built after 2009 with CARB Phase 2 Formaldehyde ATCM materials had lower indoor formaldehyde concentrations, with a median indoor concentrations of 22.4 $\mu g/m^3$ (18.2 ppb) as compared to a median of 36 $\mu g/m^3$ found in the 2007 CNHS. Unlike in the CNHS study where formaldehyde concentrations were measured with pumped DNPH samplers, the formaldehyde concentrations in the HENGH study were measured with passive samplers, which were estimated to under-measure the true indoor formaldehyde concentrations by approximately 7.5%. Applying this correction to the HENGH indoor formaldehyde concentrations results in a median indoor concentration of 24.1 $\mu g/m^3$, which is 33% lower than the 36 $\mu g/m^3$ found in the 2007 CNHS.

Thus, while new homes built after the 2009 CARB formaldehyde ATCM have a 33% lower median indoor formaldehyde concentration and cancer risk, the median lifetime cancer risk is still 120 per million for homes built with CARB compliant composite wood products. This median lifetime cancer risk is more than 12 times the OEHHA 10 in a million cancer risk threshold (OEHHA, 2017a).

With respect to the AC Marriott – Residence Inn Project in Riverside, CA, the buildings consist of hotel and office buildings.

The employees of the hotel and office spaces are expected to experience significant indoor exposures (e.g., 40 hours per week, 50 weeks per year). These exposures for employees are anticipated to result in significant cancer risks resulting from exposures to formaldehyde released by the building materials and furnishing commonly found in offices, warehouses, residences and hotels.

Because these hotel and office spaces will be constructed with CARB Phase 2 Formaldehyde ATCM materials, and be ventilated with the minimum code required amount of outdoor air, the indoor formaldehyde concentrations are likely similar to those concentrations observed in residences built with CARB Phase 2 Formaldehyde ATCM materials, which is a median of 24.1 $\mu g/m^3$ (Singer et. al., 2020)

Assuming that the hotel and office space employees work 8 hours per day and inhale 20 m^3 of air per day, the formaldehyde dose per work-day at the offices is 161 µg/day.

Assuming that these employees work 5 days per week and 50 weeks per year for 45 years (start at age 20 and retire at age 65) the average 70-year lifetime formaldehyde daily dose is 70.9 µg/day.

This is 1.77 times the NSRL (OEHHA, 2017a) of 40 µg/day and represents a cancer risk of 17.7 per million, which exceeds the CEQA cancer risk of 10 per million (SCAQMD, 2015) This impact should be analyzed in an environmental impact report ("EIR"), and the agency should impose all feasible mitigation measures to reduce this impact. Several feasible mitigation measures are discussed below and these and other measures should be analyzed in an EIR.

Appendix A, Indoor Formaldehyde Concentrations and the CARB Formaldehyde ATCM, provides analyses that show utilization of CARB Phase 2 Formaldehyde ATCM materials will not ensure acceptable cancer risks with respect to formaldehyde emissions from composite wood products.

Even composite wood products manufactured with CARB certified ultra low emitting formaldehyde (ULEF) resins do not insure that the indoor air will have concentrations of formaldehyde the meet the OEHHA cancer risks that substantially exceed 10 per million. The permissible emission rates for ULEF composite wood products are only 11-15% lower than the CARB Phase 2 emission rates. Only use of composite wood products made with no-added formaldehyde resins (NAF), such as resins made from soy, polyvinyl acetate, or methylene diisocyanate can insure that the OEHHA cancer risk of 10 per million is met.

The following describes a method that should be used, prior to construction in the environmental review under CEQA, for determining whether the indoor concentrations resulting from the formaldehyde emissions of specific building materials/furnishings selected exceed cancer and non-cancer guidelines. Such a design analyses can be used to identify those materials/furnishings prior to the completion of the City's CEQA review and project approval, that have formaldehyde emission rates that contribute to indoor concentrations that exceed cancer and non-cancer guidelines, so that alternative lower emitting materials/furnishings may be selected and/or higher minimum outdoor air ventilation rates can be increased to achieve acceptable indoor concentrations and incorporated as mitigation measures for this project.

Pre-Construction Building Material/Furnishing Formaldehyde Emissions Assessment

This formaldehyde emissions assessment should be used in the environmental review under CEQA to assess the indoor formaldehyde concentrations from the proposed loading of building materials/furnishings, the area-specific formaldehyde emission rate data for building materials/furnishings, and the design minimum outdoor air ventilation rates. This assessment allows the applicant (and the City) to determine, before the conclusion of the environmental review process and the building materials/furnishings are specified, purchased, and installed, if the total chemical emissions will exceed cancer and non-cancer guidelines, and if so, allow for changes in the selection of specific material/furnishings and/or the design minimum outdoor air ventilations rates such that cancer and non-cancer guidelines are not exceeded.

1.) Define Indoor Air Quality Zones. Divide the building into separate indoor air quality zones, (IAQ Zones). IAQ Zones are defined as areas of well-mixed air. Thus, each ventilation system with recirculating air is considered a single zone, and each room or group of rooms where air is not recirculated (e.g. 100% outdoor air) is considered a separate zone. For IAQ Zones with the same construction material/furnishings and design minimum outdoor air ventilation rates. (e.g. hotel rooms, apartments, condominiums, etc.) the formaldehyde emission rates need only be assessed for a single IAQ Zone of that type.

2.) Calculate Material/Furnishing Loading. For each IAQ Zone, determine the building material and furnishing loadings (e.g., m^2 of material/m^2 floor area, units of furnishings/m^2 floor area) from an inventory of all potential indoor formaldehyde sources, including flooring, ceiling tiles, furnishings, finishes, insulation, sealants, adhesives, and any products constructed with composite wood products containing urea-formaldehyde resins (e.g., plywood, medium density fiberboard, particleboard).

3.) Calculate the Formaldehyde Emission Rate. For each building material, calculate the formaldehyde emission rate (µg/h) from the product of the area-specific formaldehyde emission rate (µg/m^2-h) and the area (m^2) of material in the IAQ Zone, and from each furnishing (e.g. chairs, desks, etc.) from the unit-specific formaldehyde emission rate (µg/unit-h) and the number of units in the IAQ Zone.

NOTE: As a result of the high-performance building rating systems and building codes (California Building Standards Commission, 2014; USGBC, 2014), most manufacturers of building materials furnishings sold in the United States conduct chemical emission rate tests using the California Department of Health "Standard Method for the Testing and Evaluation of Volatile Organic Chemical Emissions for Indoor Sources Using Environmental Chambers," (CDPH, 2017), or other equivalent chemical emission rate testing methods. Most manufacturers of building furnishings sold in the United States conduct chemical emission rate tests using ANSI/BIFMA M7.1 Standard Test Method for Determining VOC Emissions (BIFMA, 2018), or other equivalent chemical emission rate testing methods.

CDPH, BIFMA, and other chemical emission rate testing programs, typically certify that a material or furnishing does not create indoor chemical concentrations in excess of the maximum concentrations permitted by their certification. For instance, the CDPH emission rate testing requires that the measured emission rates when input into an office, school, or residential model do not exceed one-half of the OEHHA Chronic Exposure Guidelines (OEHHA, 2017b) for the 35 specific VOCs, including formaldehyde, listed in Table 4-1 of the CDPH test method (CDPH, 2017). These certifications themselves do not provide the actual area-specific formaldehyde emission rate (i.e., $\mu g/m^2$-h) of the product, but rather provide data that the formaldehyde emission rates do not exceed the maximum rate allowed for the certification. Thus, for example, the data for a certification of a specific type of flooring may be used to calculate that the area-specific emission rate of formaldehyde is less than 31 $\mu g/m^2$-h, but not the actual measured specific emission rate, which may be 3, 18, or 30 $\mu g/m^2$-h. These area-specific emission rates determined from the product certifications of CDPH, BIFA, and other certification programs can be used as an initial estimate of the formaldehyde emission rate.

If the actual area-specific emission rates of a building material or furnishing is needed (i.e. the initial emission rates estimates from the product certifications are higher than desired), then that data can be acquired by requesting from the manufacturer the complete chemical emission rate test report. For instance if the complete CDPH emission test report is requested for a CDHP certified product, that report will provide the actual area-specific emission rates for not only the 35 specific VOCs, including formaldehyde, listed in Table 4-1 of the CDPH test method (CDPH, 2017), but also all of the cancer and reproductive/developmental chemicals listed in the California Proposition 65 Safe Harbor Levels (OEHHA, 2017a), all of the toxic air contaminants (TACs) in the California Air Resources Board Toxic Air Contamination List (CARB, 2011), and the 10 chemicals with the greatest emission rates.

Alternatively, a sample of the building material or furnishing can be submitted to a chemical emission rate testing laboratory, such as Berkeley Analytical Laboratory (https://berkeleyanalytical.com), to measure the formaldehyde emission rate.

4.) Calculate the Total Formaldehyde Emission Rate. For each IAQ Zone, calculate the total formaldehyde emission rate (i.e. µg/h) from the individual formaldehyde emission rates from each of the building material/furnishings as determined in Step 3.

5.) Calculate the Indoor Formaldehyde Concentration. For each IAQ Zone, calculate the indoor formaldehyde concentration (µg/m^3) from Equation 1 by dividing the total formaldehyde emission rates (i.e. µg/h) as determined in Step 4, by the design minimum outdoor air ventilation rate (m^3/h) for the IAQ Zone.

$$C_{in} = \frac{E_{total}}{Q_{oa}} \quad \text{(Equation 1)}$$

where:

C_{in} = indoor formaldehyde concentration (µg/m^3)

E_{total} = total formaldehyde emission rate (µg/h) into the IAQ Zone.

Q_{oa} = design minimum outdoor air ventilation rate to the IAQ Zone (m^3/h)

The above Equation 1 is based upon mass balance theory, and is referenced in Section 3.10.2 "Calculation of Estimated Building Concentrations" of the California Department of Health "Standard Method for the Testing and Evaluation of Volatile Organic Chemical Emissions for Indoor Sources Using Environmental Chambers", (CDPH, 2017).

6.) Calculate the Indoor Exposure Cancer and Non-Cancer Health Risks. For each IAQ Zone, calculate the cancer and non-cancer health risks from the indoor formaldehyde concentrations determined in Step 5 and as described in the OEHHA Air Toxics Hot Spots Program Risk Assessment Guidelines; Guidance Manual for Preparation of Health Risk Assessments (OEHHA, 2015).

7.) Mitigate Indoor Formaldehyde Exposures of exceeding the CEQA Cancer and/or Non-Cancer Health Risks. In each IAQ Zone, provide mitigation for any formaldehyde exposure risk as determined in Step 6, that exceeds the CEQA cancer risk of 10 per million or the CEQA non-cancer Hazard Quotient of 1.0.

Provide the source and/or ventilation mitigation required in all IAQ Zones to reduce the

health risks of the chemical exposures below the CEQA cancer and non-cancer health risks.

Source mitigation for formaldehyde may include:

1.) reducing the amount materials and/or furnishings that emit formaldehyde
2.) substituting a different material with a lower area-specific emission rate of formaldehyde

Ventilation mitigation for formaldehyde emitted from building materials and/or furnishings may include:

1.) increasing the design minimum outdoor air ventilation rate to the IAQ Zone.

NOTE: Mitigating the formaldehyde emissions through use of less material/furnishings, or use of lower emitting materials/furnishings, is the preferred mitigation option, as mitigation with increased outdoor air ventilation increases initial and operating costs associated with the heating/cooling systems.

Further, we are not asking that the builder "speculate" on what and how much composite materials be used, but rather at the design stage to select composite wood materials based on the formaldehyde emission rates that manufacturers routinely conduct using the California Department of Health "Standard Method for the Testing and Evaluation of Volatile Organic Chemical Emissions for Indoor Sources Using Environmental Chambers," (CDPH, 2017), and use the procedure described earlier above (i.e. Pre-Construction Building Material/Furnishing Formaldehyde Emissions Assessment) to insure that the materials selected achieve acceptable cancer risks from material off gassing of formaldehyde.

Outdoor Air Ventilation Impact. Another important finding of the CNHS, was that the outdoor air ventilation rates in the homes were very low. Outdoor air ventilation is a very important factor influencing the indoor concentrations of air contaminants, as it is the primary removal mechanism of all indoor air generated contaminants. Lower outdoor air exchange rates cause indoor generated air contaminants to accumulate to higher indoor air

concentrations. Many homeowners rarely open their windows or doors for ventilation as a result of their concerns for security/safety, noise, dust, and odor concerns (Price, 2007). In the CNHS field study, 32% of the homes did not use their windows during the 24-hour Test Day, and 15% of the homes did not use their windows during the entire preceding week. Most of the homes with no window usage were homes in the winter field session. Thus, a substantial percentage of homeowners never open their windows, especially in the winter season. The median 24-hour measurement was 0.26 air changes per hour (ach), with a range of 0.09 ach to 5.3 ach. A total of 67% of the homes had outdoor air exchange rates below the minimum California Building Code (2001) requirement of 0.35 ach. Thus, the relatively tight envelope construction, combined with the fact that many people never open their windows for ventilation, results in homes with low outdoor air exchange rates and higher indoor air contaminant concentrations.

According to the City of Riverside Planning Commission Memorandum (City of Riverside, 2021), the AC Marriott – Residence Inn Project – Riverside, CA is close to roads with moderate to high traffic (e.g., Riverside Freeway (91), University Avenue, Mission Inn Avenue etc.). Additional noise is generated by air traffic at the Flabob Airport (RIR).

As a result of the outdoor vehicle traffic noise, the Project site is likely a sound impacted site and will require a mechanical supply of outdoor air ventilation to allow for a habitable interior environment with closed windows and doors. Such a ventilation system would allow windows and doors to be kept closed at the occupant's discretion to control exterior noise within building interiors.

$PM_{2.5}$ Outdoor Concentrations Impact. An additional impact of the nearby motor vehicle traffic associated with this project, are the outdoor concentrations of $PM_{2.5}$. According to the City of Riverside Planning Commission Memorandum (City of Riverside, 2021), the Project is located in the South Coast Air Basin, which is a State and Federal non-attainment area for $PM_{2.5}$.

An air quality analyses should to be conducted to determine the concentrations of $PM_{2.5}$ in the outdoor and indoor air that people inhale each day. This air quality analyses needs to consider the cumulative impacts of the project related emissions, existing and projected future emissions from local $PM_{2.5}$ sources (e.g. stationary sources, motor vehicles, and airport traffic) upon the outdoor air concentrations at the Project site. If the outdoor concentrations are determined to exceed the California and National annual average $PM_{2.5}$ exceedence concentration of 12 $\mu g/m^3$, or the National 24-hour average exceedence concentration of 35 $\mu g/m^3$, then the buildings need to have a mechanical supply of outdoor air that has air filtration with sufficient removal efficiency, such that the indoor concentrations of outdoor $PM_{2.5}$ particles is less than the California and National $PM_{2.5}$ annual and 24-hour standards.

It is my experience that based on the projected high traffic noise levels, the annual average concentration of $PM_{2.5}$ will exceed the California and National $PM_{2.5}$ annual and 24-hour standards and warrant installation of high efficiency air filters (i.e. MERV 13 or higher) in all mechanically supplied outdoor air ventilation systems.

Indoor Air Quality Impact Mitigation Measures

The following are recommended mitigation measures to minimize the impacts upon indoor quality:

Indoor Formaldehyde Concentrations Mitigation. Use only composite wood materials (e.g. hardwood plywood, medium density fiberboard, particleboard) for all interior finish systems that are made with CARB approved no-added formaldehyde (NAF) resins (CARB, 2009). CARB Phase 2 certified composite wood products, or ultra-low emitting formaldehyde (ULEF) resins, do not insure indoor formaldehyde concentrations that are below the CEQA cancer risk of 10 per million. Only composite wood products manufactured with CARB approved no-added formaldehyde (NAF) resins, such as resins made from soy, polyvinyl acetate, or methylene diisocyanate can insure that the OEHHA cancer risk of 10 per million is met (see Appendix A).

Alternatively, conduct the previously described Pre-Construction Building Material/Furnishing Chemical Emissions Assessment, to determine that the combination of formaldehyde emissions from building materials and furnishings do not create indoor formaldehyde concentrations that exceed the CEQA cancer and non-cancer health risks.

It is important to note that we are not asking that the builder "speculate" on what and how much composite materials be used, but rather at the design stage to select composite wood materials based on the formaldehyde emission rates that manufacturers routinely conduct using the California Department of Health "Standard Method for the Testing and Evaluation of Volatile Organic Chemical Emissions for Indoor Sources Using Environmental Chambers", (CDPH, 2017), and use the procedure described above (i.e. Pre-Construction Building Material/Furnishing Formaldehyde Emissions Assessment) to insure that the materials selected achieve acceptable cancer risks from material off gassing of formaldehyde.

Outdoor Air Ventilation Mitigation. Provide each habitable room with a continuous mechanical supply of outdoor air that meets or exceeds the California 2016 Building Energy Efficiency Standards (California Energy Commission, 2015) requirements of the greater of 15 cfm/occupant or 0.15 cfm/ft^2 of floor area. Following installation of the system conduct testing and balancing to insure that required amount of outdoor air is entering each habitable room and provide a written report documenting the outdoor airflow rates. Do not use exhaust only mechanical outdoor air systems, use only balanced outdoor air supply and exhaust systems or outdoor air supply only systems. Provide a manual for the occupants or maintenance personnel, that describes the purpose of the mechanical outdoor air system and the operation and maintenance requirements of the system.

$PM_{2.5}$ Outdoor Air Concentration Mitigation. Install air filtration with sufficient $PM_{2.5}$ removal efficiency (e.g. MERV 13 or higher) to filter the outdoor air entering the mechanical outdoor air supply systems, such that the indoor concentrations of outdoor $PM_{2.5}$ particles are less than the California and National $PM_{2.5}$ annual and 24-hour standards. Install the air filters in the system such that they are accessible for replacement

by the occupants or maintenance personnel. Include in the mechanical outdoor air ventilation system manual instructions on how to replace the air filters and the estimated frequency of replacement.

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APPENDIX A

INDOOR FORMALDEHYDE CONCENTRATIONS
AND THE
CARB FORMALDEHYDE ATCM

With respect to formaldehyde emissions from composite wood products, the CARB ATCM regulations of formaldehyde emissions from composite wood products, do not assure healthful indoor air quality. The following is the stated purpose of the CARB ATCM regulation - *The purpose of this airborne toxic control measure is to "reduce formaldehyde emissions from composite wood products, and finished goods that contain composite wood products, that are sold, offered for sale, supplied, used, or manufactured for sale in California".* In other words, the CARB ATCM regulations do not "assure healthful indoor air quality", but rather "reduce formaldehyde emissions from composite wood products".

Just how much protection do the CARB ATCM regulations provide building occupants from the formaldehyde emissions generated by composite wood products? Definitely some, but certainly the regulations do not "*assure healthful indoor air quality"* when CARB Phase 2 products are utilized. As shown in the Chan 2019 study of new California homes, the median indoor formaldehyde concentration was of 22.4 $\mu g/m^3$ (18.2 ppb), which corresponds to a cancer risk of 112 per million for occupants with continuous exposure, which is more than 11 times the CEQA cancer risk of 10 per million.

Another way of looking at how much protection the CARB ATCM regulations provide building occupants from the formaldehyde emissions generated by composite wood products is to calculate the maximum number of square feet of composite wood product that can be in a residence without exceeding the CEQA cancer risk of 10 per million for occupants with continuous occupancy.

For this calculation I utilized the floor area (2,272 ft^2), the ceiling height (8.5 ft), and the number of bedrooms (4) as defined in Appendix B (New Single-Family Residence Scenario) of the Standard Method for the Testing and Evaluation of Volatile Organic Chemical

Emissions for Indoor Sources Using Environmental Chambers, Version 1.1, 2017, California Department of Public Health, Richmond, CA. https://www.cdph.ca.gov/Programs/CCDPHP/DEODC/EHLB/IAQ/Pages/VOC.aspx.

For the outdoor air ventilation rate I used the 2019 Title 24 code required mechanical ventilation rate (ASHRAE 62.2) of 106 cfm (180 m^3/h) calculated for this model residence. For the composite wood formaldehyde emission rates I used the CARB ATCM Phase 2 rates.

The calculated maximum number of square feet of composite wood product that can be in a residence, without exceeding the CEQA cancer risk of 10 per million for occupants with continuous occupancy are as follows for the different types of regulated composite wood products.

Medium Density Fiberboard (MDF) – 15 ft^2 (0.7% of the floor area), or
Particle Board – 30 ft^2 (1.3% of the floor area), or
Hardwood Plywood – 54 ft^2 (2.4% of the floor area), or
Thin MDF – 46 ft^2 (2.0 % of the floor area).

For offices and hotels the calculated maximum amount of composite wood product (% of floor area) that can be used without exceeding the CEQA cancer risk of 10 per million for occupants, assuming 8 hours/day occupancy, and the California Mechanical Code minimum outdoor air ventilation rates are as follows for the different types of regulated composite wood products.

Medium Density Fiberboard (MDF) – 3.6 % (offices) and 4.6% (hotel rooms), or
Particle Board – 7.2 % (offices) and 9.4% (hotel rooms), or
Hardwood Plywood – 13 % (offices) and 17% (hotel rooms), or
Thin MDF – 11 % (offices) and 14 % (hotel rooms)

Clearly the CARB ATCM does not regulate the formaldehyde emissions from composite wood products such that the potentially large areas of these products, such as for flooring,

baseboards, interior doors, window and door trims, and kitchen and bathroom cabinetry, could be used without causing indoor formaldehyde concentrations that result in CEQA cancer risks that substantially exceed 10 per million for occupants with continuous occupancy.

Even composite wood products manufactured with CARB certified ultra low emitting formaldehyde (ULEF) resins do not insure that the indoor air will have concentrations of formaldehyde the meet the OEHHA cancer risks that substantially exceed 10 per million. The permissible emission rates for ULEF composite wood products are only 11-15% lower than the CARB Phase 2 emission rates. Only use of composite wood products made with no-added formaldehyde resins (NAF), such as resins made from soy, polyvinyl acetate, or methylene diisocyanate can insure that the OEHHA cancer risk of 10 per million is met.

If CARB Phase 2 compliant or ULEF composite wood products are utilized in construction, then the resulting indoor formaldehyde concentrations should be determined in the design phase using the specific amounts of each type of composite wood product, the specific formaldehyde emission rates, and the volume and outdoor air ventilation rates of the indoor spaces, and all feasible mitigation measures employed to reduce this impact (e.g. use less formaldehyde containing composite wood products and/or incorporate mechanical systems capable of higher outdoor air ventilation rates). See the procedure described earlier (i.e. Pre-Construction Building Material/Furnishing Formaldehyde Emissions Assessment) to insure that the materials selected achieve acceptable cancer risks from material off gassing of formaldehyde.

Alternatively, and perhaps a simpler approach, is to use only composite wood products (e.g. hardwood plywood, medium density fiberboard, particleboard) for all interior finish systems that are made with CARB approved no-added formaldehyde (NAF) resins.

From: Scott Megna <SMegna@riv-cc.com>
Sent: Wednesday, April 21, 2021 12:53 PM
To: Norton, Brian <BNorton@riversideca.gov>; Watson, Scott <SWatson@riversideca.gov>
Subject: [External] Dual Brand AC by Marriott / Residence Inn by Marriott Hotel

Subject: Dual Brand AC by Marriott / Residence Inn by Marriott Hotel
City of Riverside Community Development Department
3900 Main St, Riverside, CA 92501

ATTN: Cultural Heritage Board

On behalf of Raincross Hospitality Corporation and myself, I would like to acknowledge our support of the proposed dual branded Marriott hotel development in downtown Riverside. The additions of the Residence Inn and AC Marriott flags will alleviate the constant pressure of securing the needed room supply for our convention center guests. The project will also help with attracting future convention business as it offers our guests an extended stay product that is not available in the immediate area as well as offering a more contemporary/luxury option with the AC Hotel.

The proposed project will be a positive catalyst to the city and as we see the world re-open, downtown will benefit greatly with the project going forward. We are supportive of new high-quality developments such as this project and it's anticipated boost to Riverside's general fund through increased transient occupancy tax revenues.

Respectfully Submitted,

SCOTT MEGNA
President – Raincross Hospitality Corporation
General Manager – Riverside Convention Center
IAVM – Research Committee Chair

RAINCROSS HOSPITALITY CORPORATION
3637 Fifth Street, Riverside, CA 92501
|O| (951) 346-4713 |F| (951) 346-4706 |
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REGIONAL PROPERTIES
INCORPORATED

April 21, 2021

City of Riverside Community Development Department
Attn: Cultural Heritage Board
3900 Main St, Riverside, CA 92501

Re: April 15th – Cultural Heritage Board – Agenda Item # 5
Subject: Dual Brand AC by Marriot / Residence Inn by Marriot Hotel

We are in support of the Marriot AC & Residence Inn hotel development and believe it will satisfy a much-needed supply of additional hotel rooms in Downtown Riverside. We are the developers of the Stadler Building, Citrus Towers and Raincross Promenade here in downtown Riverside. We find that our tenants and residents have visitors that like to experience what downtown has to offer and it is not always easy to find hotel rooms. In addition to bringing more rooms, the development would also bring another upscale attraction with the AC Lounge for our tenants, residents and their guests to come and enjoy.

The quality of flags of the Residence Inn and AC are very significant in bringing in an extended stay product that the area currently does not have with the Residence Inn, and one of Marriot's premier flags with under 100 built in North America in the AC. We believe that the project will be a great addition to Riverside and are excited for the high quality of development that Greens brings to Riverside as shown by their most recent project in the Hampton Inn Downtown Riverside on Market and 5th Street.

Respectfully Submitted,

Michelle Rubin
President

From: Audrey Turner <audrey_trnr@yahoo.com>
Sent: Tuesday, April 20, 2021 10:47 AM
To: Watson, Scott <SWatson@riversideca.gov>
Subject: [External] Proposed hotel at Mission Inn Avenue and Lemon Street

Dear Sir:

I am a member of First Congregational United Church of Christ, located at 3504 Mission Inn Avenue, and I am a resident of Ward 1 at 3015 Watermount Street.

I am writing to object to the plans to build a large hotel across the street from the church facility, for the following reasons:

Architecture. The proposed design of the building is not compatible with the historic nature of downtown in general, and of Mission Inn Avenue between Lime Street and Main Street in particular. While the former library was mid-century in design, it is set back from the street and does not overshadow other buildings.

City skyline. The bell tower of First Congregational Church is an iconic component of the downtown skyline. The proposed hotel design would literally overshadow the church, blocking view of the tower from the freeway and other locations. The church recently spent hundreds of thousands of dollars to refurbish the design elements of the bell tower, and we are proud that the tower represents the church as a "Beacon of Hope."

Parking. The proposed parking is vastly inadequate for the capacity of the hotel, and would overwhelm parking lots and structures of the downtown area. This would make it difficult or impossible for people to access the church for services, weddings, meetings and other events. In normal times the church provides meeting space for numerous recovery and support groups, as well as being a very popular wedding venue, so the parking impact will not be limited to church attenders. Among those who attend services at the church, many are elderly and/or disabled (the building is wheelchair accessible), so the parking difficulty would negatively impact those with disabilities. The church has only a limited number of parking spaces on its property, and relies on access to nearby lots and structures.

The people of First Congregational Church are not opposed to something being built to replace the former fire station, but this project, as currently designed, would be disruptive, both visually and practically.

Thank you for your attention to this matter.

Audrey Turner
3015 Watermount Street
Riverside, CA 92501
951-259-0698

Hi Councilwoman Edwards,

I'm emailing on behalf of First Congregational and the potential negative impact of Planning Case P19-0563 or the "Hotel at Mission Inn and Lemon." I'm not opposed to generated revenue or progress in downtown; however, this project is out of place for our historic district. I'm asking for a reevaluation and discussion of approval by surrounding neighbors before implementation. Downtown already has limited parking and this will have a negative impact in already limited space. The architect plans do not match and are out of context to the surrounding historic buildings. The close proximity to the street further impacts and intrudes the neighborhood. I think this hotel plan needs to be shelved for redesign and discussed more with surrounding neighbors before implementation at this time. Thank you for all the many wonderful things you do for our city and Ward 1. I know you'll make the best decision for all.

Best regards,
Dr. Mandy Smith

From: Jean Booth <jebramky@hotmail.com>
Sent: Sunday, April 18, 2021 11:30 AM
To: Andrade, Frances <FANDRADE@riversideca.gov>
Subject: [External] Planning Case P19-0563

Dear Frances:

I am writing because I somehow was unable to leave a comment other than "oppose" on the ecomment page.

I grew up in Riverside and still have many friends there, and visit often.

When a friend shared the box-like hotel proposal for Riverside's crown jewel historic neighborhood, I was horrified. Why in the world would the city's Cultural Heritage Board be looking to replicate the architectural style of every "hip" venue in Los Angeles and Orange County? What is "cultural" about such architecture? Those types of buildings belong elsewhere in the city. The charm of the Mission Inn district should not be sacrificed to this "modernization."

I am not an anti-development type of person. Development, history and character should complement each other and work together. Temecula's Front Street is a good example in my mind for a pleasing visitor experience that also contributes to the overall economy.

I hope that the Board will reconsider this very important decision. Please don't be short-sighted in this matter – the long-term consequences are too great.

Sincerely,

Jean Booth

GREATER RIVERSIDE
CHAMBERS OF COMMERCE
The Chamber… Building a stronger local economy

April 20, 2021

Chair Steve Lech
Cultural Heritage Board
City of Riverside
3900 Main Street,
Riverside, CA 92501

RE: Certificate of Appropriateness for the AC Marriott/Residence Inn Hotel Project – SUPPORT

Dear Chair Lech and Members of the City Cultural Heritage Board:

On behalf of the Greater Riverside Chambers of Commerce, representing over 1,200 local employers and 110,000 jobs in the Inland Southern California region, we respectfully request your SUPPORT for the approval of the Certificate of Appropriateness that will facilitate the construction of a dual-brand AC Marriott/Residence Inn Hotel, with a subterranean parking structure; and the adaptive reuse of the former Central Fire Station.

As the City continues to recover from the devastating economic impacts of COVID-19 and the loss of vital tax revenue to public coffers, now is the time and opportunity to position Riverside for stronger economic growth. Once completed, this project will generate approximately $1.1 million annually in Transient Occupancy Tax (TOT) revenue, which will reinforce the City's ability to deliver vital services to the community. This creates an opportunity to be forward-thinking and prepare for Riverside's trajectory of economic vitality post-COVID-19.

The construction of a dual-branded hotel totaling 226 rooms through this project will continue to meet the needs of Riverside's tourism, convention, and hospitality growth. It will also complement new projects coming to Riverside soon including The Cheech Marin Center for Chicano Art, Culture & Industry and the expanded Riverside Convention Center. The additional office space converted from the Central Fire Station property will also create additional opportunities in the professional services sector.

This project will also revitalize an important corner and entry point into Downtown to highlight the area's unique and historic character. The proponents of this project recognize the opportunity to re-engage the former Central Fire Station as a revitalized building within Downtown and create new vantage points from the hotel of Downtown's unique architecture to be enjoyed by residents and visitors alike.

The Chamber's Downtown Business Council continues to stay engaged with the proponents of the project and remains in unanimous support for the economic impact and vitality that it will bring to the community. The Chamber respectfully asks for your SUPPORT of the Certificate of Appropriateness that will facilitate the construction of this project.

Thank you for your consideration.

Respectfully,

Cindy Roth
President/CEO

CR/na

3985 University Avenue, Riverside, CA 92501 • Phone: (951) 683-7100 • Fax: (951) 683-2670
www.riverside-chamber.com

PICKGroup™
OF YOUNG PROFESSIONALS

April 20, 2021

City of Riverside
Cultural Heritage Board
Planning Commission
3900 Main Street
Riverside, CA 92522

Dear Commissioners:

The *PICK GROUP: Young Professionals of Riverside* strongly supports the proposed AC Marriot and Residence Inn project on Mission Inn Avenue. We believe this project is another jewel in the crown that is our vibrant Downtown. This project will be a complementary eastern anchor along with the Riverside Art Museum and the Riverside Municipal Auditorium of our Arts District. With an eye towards the future this project will help keep tourists of The Cheech and Festival of Lights in Downtown longer creating an opportunity for visitors to get to know the magic of our beloved City.

The *PICK GROUP: Young Professionals of Riverside* (Pick) is a growing collaboration of over 300 Young Professionals in the Riverside area who are dedicated to the betterment of Riverside through the avenues of Professional Development, Social Networking, and Community Engagement. Pick originally formed with a concern for the economic, social, and professional climate of our great city. Specifically, Pick desires Riverside to continue on its trajectory toward a dynamic, sustainable, and healthy community of choice and opportunity not only for young professionals, but for all of the region's citizens. We believe that opportunities for sustainable advancement that meet the tangible needs of communities help create an energetic downtown core.

We urge the Cultural Heritage Board and Planning Commission to approve this project for construction, and can't wait to visit our newest hotels.

Sincerely,

Megan G. Demski - Pick Group 1st Vice President

Board of Directors of *The Pick Group: Young Professionals of Riverside*

PO Box 21137
Riverside, CA 92516

www.pickriverside.org
info@pickriverside.org

From: Amy Conger <amycbobh@gmail.com>
Sent: Tuesday, April 20, 2021 10:09 PM
To: Don Miller <hyskool@toast.net>
Subject: [External] PDF file

PLANNING CASE P19-0563 Proposed DBM Hotel at 3466 Mission Inn Ave. & Lemon St.

To The Family and Friends of the First Congregational Cjurch

I'm Amy Conger, the historian of the First Congregational Church and consequently an officer of the church. It is one of the closest neighbors to the Dual Brand Marriott [DBM] across Lemon Street. It is also the proud possessor of the unique, iconic, 115 ft., lace-like Churrigueresque steeple, a landmark in itself. I also have a PhD in Art History and have taught History of Architecture at the University level. I have not run my questions for you all by the Trustees or Membership because of the lack of time due to the fact that we were not notified of this hearing
or the one last week in any timely or considerate and maybe legal manner. Nor was the stunningly handsome Unitarian Church kitty-korner from the DBM hotel notified. (This is the oldest UU church on the West Coast).
1] Next year, 2022, our church as an institution will have been a non-profit here in Riverside for 150 years. The building on Mission Inn Avenue was constructed from 1914-1916, 106 years ago, under the aegis of the finest architects in the state. The parish house right next to it was built in 1902, almost 120 years ago. The DBM has proposed a 3-story underground garage. This will require major excavation and packing dirt and consequently producing serious vibrations in the soil which could disturb the foundation of our church and cause damage everywhere. I know DBM has one source that says it's all fine. Has the age of our structure and those around it been vetted with several firms? Do they have an insurance policy that will cover any damage that occurs to the Congregational Church in the next couple decades and not try to write it off as seismic activity? In California seismic insurance and any insurance which would cover this is outrageously inadequate and overpriced. Who is their insurer? Has the policy been issued?
2] DBM has received a variance for an 8 story building, 84 ft. high. Normally stories are minimally measured at 10 ft. each. A few years ago in Mountain Village, Colorado The Peaks, a Wyndham hotel, was being constructed and it grew over the permitted height. What was the local Building Department to do? Refuse them a Certificate of Occupancy? Tell them to rip it down? Do what you want and then ask for forgiveness?
In any case, our church will be in the shadow of the DBM hotel for most of the day and the beautiful Holmes memorial cedar on the Mission Inn side lawn, planted in 1932, may seriously suffer from lack of sunlight.
3] The style of the DBM is fine, perfect for most areas. It is not exciting, innovative or memorable. Nor is the old library. However, the old library has the advantage of being set way back from the street with a park and gazebo in front of it. The DBM structure is requesting a variance to build almost on the property line so optically it will have to be compared aesthetically

to all the other magnificent early 20th century buildings around it, one of the most visually exciting
streets in the whole United States. The DBM hotel will not be compared in a favorable way to the other buildings on the street in any college course on Riverside architecture. All but one of the drawings of the proposed hotel do not include any contiguous buildings. Briefly, it is very acceptable contemporary architecture but not appropriate for the proposed location.
4] Why is the DBM hotel exempt from a CEQA review?
5] Does the city still own the lot? Would it be possible to see the bidding which took place for its
sale?
My questions may seem negative or N I M B Y but almost all of them can be resolved with a little time. A well publicized public forum would be of great help to assuage concerns of members
and friends of the Congregational Church. Certainly Riverside and the Convention Center would greatly benefit from another hotel downtown. We need to discuss these questions in a real place with our neighbors in person. Surely this will be possible in a few weeks. Couldn't it be tabled until then?

City of Arts & Innovation

Public Comment for Cultural Heritage Board
April 21, 2021 Meeting
Prepared at 2:30 pm, April 21, 2021

Item	Name	Neighborhood	Position	Comments
1. You are invited to participate by phone at 951-826-8600 to comment on the Consent Calendar and matters within the jurisdiction of the Cultural Heritage Board - Individual audience participation is limited to 3 minutes.	LARKIN MARTIN		Oppose	Too big! It will obstruct some of the most historical buildings downtown. We already have enough huge ugly hotels downtown
1. You are invited to participate by phone at 951-826-8600 to comment on the Consent Calendar and matters within the jurisdiction of the Cultural Heritage Board - Individual audience participation is limited to 3 minutes.	Leslie Lockwood		Oppose	I strongly oppose the proposed monstrosity of a hotel that is planned to be built next to the old fire station downtown! It is not in keeping with the design of our existing buildings, is TOO TALL, and makes Riverside look like ANY CITY, USA. Do NOT build it!

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6. Update on the rehabilitation of the leaning garden wall at the Mission Inn Hotel & Spa	Larry Burns		Support	Excellent example of "onsite" recycle/reuse of culturally relevant materials. Thank you.